

Senate File 542

S-3145

1 Amend the amendment, S-3138, to Senate File 542, as follows:

2 1. Page 1, after line 1 by inserting:

3 <___. Page 1, before line 1 by inserting:

4 <Section 1. Section 85.34, subsection 2, paragraph v, Code
5 2023, is amended to read as follows:

6 v. In all cases of permanent partial disability other than
7 those described or referred to in paragraphs "a" through "u"
8 and in cases where the employee is under eighteen years of
9 age, the compensation shall be paid during the number of weeks
10 in relation to five hundred weeks as the reduction in the
11 employee's earning capacity caused by the disability bears in
12 relation to the earning capacity that the employee possessed
13 when the injury occurred. A determination of the reduction
14 in the employee's earning capacity caused by the disability
15 shall take into account the permanent partial disability of
16 the employee and the number of years in the future it was
17 reasonably anticipated that the employee would work at the time
18 of the injury. If an employee who is eligible for compensation
19 under this paragraph returns to work or is offered work for
20 which the employee receives or would receive the same or
21 greater salary, wages, or earnings than the employee received
22 at the time of the injury, the employee shall be compensated
23 based only upon the employee's functional impairment resulting
24 from the injury, and not in relation to the employee's earning
25 capacity. Notwithstanding [section 85.26, subsection 2](#), if an
26 employee who is eligible for compensation under this paragraph
27 returns to work with the same employer and is compensated based
28 only upon the employee's functional impairment resulting from
29 the injury as provided in this paragraph and is terminated
30 from employment by that employer, the award or agreement for
31 settlement for benefits under [this chapter](#) shall be reviewed
32 upon commencement of reopening proceedings by the employee
33 for a determination of any reduction in the employee's
34 earning capacity caused by the employee's permanent partial
35 disability.>>

1 2. By renumbering as necessary.

NATE BOULTON